

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

STEVEN PAUL COGSWELL,
Debtor.

Case No. 23-41541

Chapter 13

Judge Thomas J. Tucker

STACEY GLASS,

Plaintiff,

vs.

Adv. No. 23-4216

STEVEN PAUL COGSWELL, *pro se*,

Defendant.

ORDER DENYING THE DEFENDANT'S MOTION FOR DEFAULT JUDGMENT

This adversary proceeding is before the Court on a motion filed on June 25, 2024 by the Defendant, entitled “Application for Default Jud[gment]” (Docket # 87, the “Motion”). The Motion seeks the entry of a default judgment against the Plaintiff, because of the Plaintiff’s attorney’s failure to comply with this Court’s order entered on May 1, 2024, which required that “no later than May 2, 2024, the Plaintiff’s attorney . . . must serve a copy of this Order on the mediator, David Wm. Ruskin, by e-mail and file proof of such service.” *See* “Order Denying Plaintiff’s Motion to Enforce Settlement Agreement, and Ordering Further Mediation” (Docket # 79, the “May 1 Order”).

Even though the Court is troubled by the fact that the Plaintiff’s attorney did not comply with the May 1 Order, the Court will deny the Motion, for the following reasons:

1. A default judgment is too harsh a remedy for the failure by the Plaintiff’s attorney to

comply with the May 1 Order.

2. The failure by the Plaintiff's attorney did not prejudice the Defendant in any way.
3. The failure by the Plaintiff's attorney was ameliorated by the fact that the Clerk of this Court mailed a copy of the May 1 Order to the mediator, David Wm. Ruskin, on May 1, 2024 (*see* the Certificate of Mailing filed that day).

Accordingly,

IT IS ORDERED that the Motion (Docket # 87) is denied.

Signed on June 28, 2024



/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**